

VILLAGE OF GURNEE

2011- 41

***AN ORDINANCE AMENDING THE FOLLOWING PROVISIONS OF THE GURNEE
ZONING ORDINANCE NO. 80-29: ARTICLE 52-05-B "TEMPORARY SIGNS" AND
ARTICLE 52-05-D "OTHER SIGNS"***

ADOPTED BY THE PRESIDENT AND BOARD OF TRUSTEES

OF THE

VILLAGE OF GURNEE, ILLINOIS

ON

June 6, 2011

**Published in pamphlet form by authority of the Village Board
of the Village of Gurnee, Lake County, Illinois,
this 7th of June 2011.**

KRISTINA KOVARIK	President	JEANNE E. BALMES	Trustee
		GREG GARNER	Trustee
ANDY HARRIS	Clerk	STEPHEN PARK	Trustee
		KIRK MORRIS	Trustee
BRYAN WINTER	Attorney	CHERYL G. ROSS	Trustee
		HANK SCHWARZ	Trustee

AN ORDINANCE AMENDING THE FOLLOWING PROVISIONS OF THE GURNEE ZONING ORDINANCE NO. 80-29: ARTICLE 52-05-B "TEMPORARY SIGNS" AND ARTICLE 52-05-D "OTHER SIGNS"

WHEREAS, the President and Board of Trustees through Village Staff have initiated the study of proposed amendments to the text of the Comprehensive Zoning Ordinance of the Village of Gurnee (the "Village") as set forth below for "Campaign/Political Signs"; and

WHEREAS, pursuant to Article 13, Chapter 13.10 of the Gurnee Zoning Ordinance, a public hearing was conducted by the Zoning Board of Appeals on the 15th of December 2010, said hearing being in compliance with the laws of the State of Illinois and the ordinances of the Village, after due notice in the Gurnee Review Newspaper on the 25th of November 2010, providing legal notice of the said Petition and the date, time and place of the hearing thereon; and

WHEREAS, pursuant to Article 13, Chapter 13.10 of the Gurnee Zoning Ordinance, a public hearing was conducted by the Plan Commission on the 15th of December 2010, said hearing being in compliance with the laws of the State of Illinois and the ordinances of the Village, after due notice in the Gurnee Review Newspaper on the 25th of December 2010, providing legal notice of the said Petition and the date, time and place of the hearing thereon; and

WHEREAS, pursuant to said petition, the Plan Commission and Zoning Board of Appeals have issued its written Findings of Fact and Recommendation on the proposed amendments, a true copy of which is attached hereto and incorporated herein, said recommendation being to approved the text amendments;

WHEREAS, the President and Board of Trustees considered the said Findings of Fact and Recommendation of the Plan Commission and Zoning Board of Appeals.

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND THE BOARD OF TRUSTEES OF THE VILLAGE OF GURNEE, LAKE COUNTY, ILLINOIS, IN THE EXERCISE OF ITS HOME RULE POWERS, AS FOLLOWS:

SECTION I: That the Findings of Fact made and filed in this matter by the Plan Commission and Zoning Board of Appeals, and attached hereto as Exhibit "A", be and are hereby adopted and made the Findings of Fact of the Village Board as if fully set forth herein.

SECTION II: That Article 52-05-b "Temporary Signs" be hereby amended as follows (additions are shown by double underline ("_____") and deletions noted by strikethrough ("delete")):

4. ~~Temporary campaign (candidate or ballot issue) signs are allowed for a period of not more than 60 days before an election, referendum, or similar voting event. Temporary campaign signs must be set back at least 12 feet from all public rights-of-way and must be removed no more than 5 days after the voting event.~~

SECTION III: That Article 52-05-d "Other Signs" be hereby amended as follows (additions are shown by double underline ("____")) and deletions noted by strikethrough ("delete"):

52-05-D. Other Signs

9. Campaign (candidate or ballot issue) signs are regulated as follows:
- a. For lots containing any single-family, two-family, or multi-family dwelling units or lots that are zoned for single-family, two-family, or multi-family use, the following is allowed:
 - i. Lot frontages along a major roadway, as specified below, may have an aggregate of 16 sq. ft. of political signage displayed along these roadways.
 - ii. Lot frontages not along a major roadway may have an aggregate of 16 sq. ft. as long as any one sign does not exceed 3 sq. ft.
 - b. For lots containing office, commercial, institutional, public or industrial use or which are zoned for office, commercial, institutional, public or industrial use, any campaign sign is allowed for a period of not more than 60 days before an election, referendum, or similar voting event. Campaign signs must be removed no more than 5 days after the voting event.
 - c. All campaign signs are exempt from the setback requirements of this ordinance, but must be located on private property.

Major Roadways:

US 45

I-94

US 41

IL 120

IL 132

Grand Avenue

IL 21

Milwaukee Avenue

Washington Street

Delany Road, north of Rt. 41

Hunt Club Road

Gages Lake Road

Cemetery Road

Dilley's Road

Northwestern Avenue

O'Plaine Road

Stearns School Road.

SECTION IV: That the Zoning Ordinance of the Village provides, in Section 13.10.4 thereof, standards to be applied by both the Plan Commission and Zoning Board of Appeals to the specific facts of the requested Zoning Ordinance text amendments and that of the aforesaid four (4) Plan Commission standards, the Plan Commission found that the standards are satisfied with regard to the requested text amendments and that of the aforesaid five (5) Zoning Board of Appeals standards, the Zoning Board of Appeals found that the standards are satisfied with respect to the requested text amendments

SECTION V: Nothing in this Ordinance shall be construed to affect any suit or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause or causes of action arising, acquired or existing under any act or ordinance or portion thereof hereby repealed or amended by this ordinance; nor shall any just or legal right, claim, penalty or remedy of any character of the corporate authority existing on the effective date hereof be lost, impaired or affected by this Ordinance.

SECTION VI: All ordinances or parts of ordinances in conflict herewith are to the extent of such conflict, hereby repealed.

SECTION VII: If any provision, clause, sentence, paragraph, section, or part of this ordinance or application thereof to any person, firm, corporation, public agency or circumstance, shall, for any reason, be adjudged by a court of competent jurisdiction to be unconstitutional or invalid, said judgment shall not affect, impair or invalidate the remainder of this ordinance and the application of such provision to other persons, firms, corporation, or circumstances, but shall be confined in its operation to the provision, clause, sentence, paragraph, section, or part thereof directly involved in the controversy in which such judgment shall have been rendered and to the person, firm, corporation, or circumstances involved. It is hereby declared to be the legislative intent of the corporate authorities that this ordinance would have been adopted had such unconstitutional or invalid provision, clause, sentence, paragraph, section, or part thereof not been included.

SECTION VIII: That the Village Clerk is hereby directed and ordered to publish this Ordinance in pamphlet form as provided by law.

SECTION IX: That this Ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form as required by law.

Passed this 6th of June 2011

	Ayes:	Nays:	Absent/Abstain:
Jeanne E. Balmes	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Greg Garner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Stephen Park	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kirk Morris	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Cheryl G. Ross	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Hank Schwarz	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

APPROVED:

By: Kristina Kovarik Date: 6/6/11
KRISTINA KOVARIK, Village President

ATTEST:

By: Andy Harris
ANDY HARRIS, Village Clerk

Presented and read, or reading having been waived, at a duly convened meeting of the Corporate Authorities on the 6th of June 2011.

I hereby certify that the above ordinance was published in pamphlet form on the 7th of June, 2011 as provided by law.

By: Andy Harris
ANDY HARRIS, Village Clerk

STATE OF ILLINOIS)
) SS
COUNTY OF LAKE)

CERTIFICATE

I, Andy Harris, certify that I am the duly elected and acting municipal clerk of the Village of Gurnee, Lake County, Illinois.

I certify that on the 6th of June 2011, the Corporate Authorities of such municipality passed and approved Ordinance No. 2011- 41, entitled, "***AN ORDINANCE AMENDING THE FOLLOWING PROVISIONS OF THE GURNEE ZONING ORDINANCE NO. 80-29: ARTICLE 52-05-B "TEMPORARY SIGNS" AND ARTICLE 52-05-D "OTHER SIGNS"***" which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. 2011- 41, including the Ordinance and a cover sheet thereof, was prepared, and a copy of such Ordinance was posted in the municipal building, commencing on the 7th of June 2011, and continuing for at least ten days thereafter. Copies of such Ordinance were also available for public inspection upon request in the office of the municipal clerk.

Dated at Gurnee, Illinois, this 6th of June 2011.

By: 

ANDY HARRIS, Village Clerk

Exhibit A

**FINDINGS OF FACT AND RECOMMENDATION
OF THE PLAN COMMISSION AND ZONING BOARD OF APPEALS
OF THE VILLAGE OF GURNEE**

TO: THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF GURNEE, LAKE COUNTY,
ILLINOIS

A joint public hearing was held by the Plan Commission and Zoning Board of Appeals on Wednesday, December 15, 2010 beginning at 7:30 p.m. in the Gurnee Village Hall, 325 North O'Plaine Road, Gurnee, Illinois. This public hearing was conducted in order to consider amendments to the terms of the Gurnee Zoning Ordinance No. 80-29 to consider regulations for Campaign/Political Signs on residential lots.

The hearing was called to order by Chairman Sula of the Plan Commission and Chairman Pro-Tem Wilson of the Zoning Board of Appeals. The legal notice was published and it was announced that all who wished to testify would have to be sworn in and this procedure was followed.

Ms. Velkover, Planning Manager, and Mr. Bryan Winter, Village Attorney, presented the following testimony:

1. That a new law will go into effect on January 1, 2011 that restricts the Village's ability to regulate political signs on residential properties.
2. That House Bill 3785 provides municipalities, including home rule communities, "the ability to establish local standards except that, other than reasonable restrictions as to size, no home rule or non-home rule municipality may prohibit the display of outdoor political campaign signs on residential property during any period of time, the regulation of these signs being a power and function of the State and, therefore, this item is a denial and limitation of concurrent home rule powers and functions under subsection (1) of Section 6 of Article VII of the Illinois Constitution."
3. That the Village's sign ordinance currently establishes the follow regulations for political signs: "Temporary campaign (candidate or ballot issue) signs are allowed, without a permit, for a period of not more than 60 days before an election, referendum, or similar voting event. Temporary campaign signs must be set back at least 12 feet from all public rights-of-way and must be removed no later than 5 days after the voting event."
4. That during the Boards' workshop session in October it was suggested that staff tie the size of political signs to the size of the property. The other recommendation from the Boards was to try to restrict the size as much as possible since these signs could be up year round.
5. That staff investigated this as an option and decided that it might be best to keep the regulations simple so that residents can easily understand.
6. That staff is proposing to move the regulation of campaign/political signs from the "Temporary Sign" section of the sign ordinance to the "Other Signs" section of the ordinance. Both of these sections are under the umbrella of signs not requiring a permit.
7. That staff is proposing that the language for campaign signs on non-residential properties remains the same, since the new law only impacts the Village's ability to regulate the duration of campaign/political signs for residential properties.
8. That staff is proposing to limit campaign/political signs on residential properties to a maximum height of 4 feet and a maximum size of 9 sq. ft., which is identical to the size allowed for single-family for-sale/for-lease signs.
9. That, at this time, staff is not proposing a limit the aggregate amount of campaign/political signage on a residential lot.

No public comments were received on this petition.

The Plan Commission discussed the matter further. The Commission modified the text amendment to reflect no restriction on the height of campaign/political signs and to limit the aggregate amount of signage on a residential lot to 9 sq. ft.

The following represents the Findings of Fact and Recommendation of the Plan Commission:

1. That the proposed text amendment is consistent with the comprehensive planning goal of protecting the character to residential neighborhoods.
2. That the proposed text amendment will ameliorate a condition in the Zoning Ordinance which is contrary to a State Law going into effect on January 1, 2011.
3. That all residential property owners in the Village will be affected by the proposed zoning text amendment in the same manner.
4. That no formal written protest pertaining to the proposed amendments has been received.

Mr. McFarlane motioned, seconded by Ms. Salmons, to forward a favorable recommendation to the Village Board on a text amendment that would not restrict the height of campaign/political signs but would limit the total area of all such signs on a residential lot to 9 square feet.

Roll Call

Ayes: Sula, Nordentoft, McFarlane, Broughton, Salmons & Drennan
Nays: Park
Abstain: None
Motion Carried: 6-1-0

The Zoning Board of Appeals discussed the matter further and modified the text amendment to reflect no restriction on the height of campaign/political signs and to limit the aggregate amount of signage on a residential lot to 6 sq. ft.

The following represents the Findings of Fact and Recommendation of the Zoning Board of Appeals:

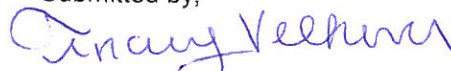
1. That the proposed text amendment for campaign/political signs on residential properties is consistent with the new state law going into effect on January 1, 2011.
2. That the proposed text amendment will provide a reasonable regulation for campaign/political signs on residential properties that, without this amendment, would be deficient from a legal standpoint.
3. That the proposed text amendments will not require other provisions of this ordinance to be changed or modified at this time.
4. That no formal written protest pertaining to the proposed amendments has been received.

Mr. Wilson motioned, seconded by Mr. Twitchell, to forward a favorable recommendation to the Village Board on a text amendment that would not restrict the height of campaign/political signs but would limit the total area of all such signs on a residential lot to 6 square feet.

Roll Call

Ayes: Hood, Wilson, Kolar, Twitchell
Nays: Monahan & Paff
Abstain: None
Motion Carried: 4-2-0

Submitted by,



Tracy Velkover
Planning Manager